

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>B0801/7169W0</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/US 00/ 08586</b>	International filing date (day/month/year) <b>31/03/2000</b>	(Earliest) Priority Date (day/month/year) <b>02/04/1999</b>
Applicant <b>THE BRIGHAM AND WOMEN'S HOSPITAL, INC.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures.

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/08586

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/7088 A61K38/00 A61K38/20 A61K39/395 A61P37/02

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	V.K. PERUMAL ET AL.: "PROTECTIVE EFFECT OF INTERLEUKIN-2 ON EXPERIMENTAL INTRA-ABDOMINAL ABSCESS DEVELOPMENT DUE TO BACTEROIDES FRAGILIS." CLINICAL RESEARCH, vol. 38, no. 2, 1990, page 550A XP000952900 NEW YORK, N.Y., US	65
Y	page 550A, right-hand column, paragraph 2	66
Y	DE 37 04 389 A (BLUTSPENDEDIENST DT ROTE KREUZ) 25 August 1988 (1988-08-25) page 3, line 19 - line 22; claims	66
A	WO 96 07427 A (BRIGHAM AND WOMEN'S HOSPITAL, INC.) 14 March 1996 (1996-03-14) cited in the application page 11, line 4 - line 14; claims; table 3	1-146
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

20 October 2000

Date of mailing of the international search report

07/11/2000

Name and mailing address of the ISA

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## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/08586

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	A.O. TZIANABOS ET AL.: "STRUCTURAL CHARACTERISTICS OF POLYSACCHARIDES THAT INDUCE PROTECTION AGAINST INTR-ABDOMINAL ABSCESS FORMATION." INFECTION AND IMMUNITY, vol. 62, no. 11, November 1994 (1994-11), pages 4881-4886, XP002150692 WASHINGTON, US cited in the application the whole document ---	1-146
A	W.M. KALKA-MOLL ET AL.: "BACTEROIDES FRAGILIS NCTC 9343 CAPSULAR POLYSACCHARIDE PS A AND THE EFFECT OF CHAIN LENGTH ON T CELL PROLIFERATION." ABSTRACTS OF THE 98 TH GENERAL MEETING OF THE AMERICAN SOCIETY FOR MICROBIOLOGY, ATLANTA, US, MAY 17-21, 1998, vol. 98, 1998, page 123 XP002150693 WASHINGTON, US abstract nr. B-405 ---	1-146
A	WO 96 32119 A (YEDA RESEARCH AND DEVELOPMENT CO., LTD. ET AL.) 17 October 1996 (1996-10-17) claims ---	1-146
P,X	A. TZIANABOS ET AL.: "T CELL ACTIVATION BY ZWITTERIONIC POLYSACCHARIDES AND PEPTIDE MIMETICS PREVENTS ANTRABDOMINAL ABSCESS FORMATION." ABSTRACTS OF THE 99 TH GENERAL MEETING OF THE AMERICAN SOCIETY FOR MICROBIOLOGY, CHICAGO, US, MAY 30-JUNE 3, 1999, vol. 99, - 3 June 1999 (1999-06-03) pages 37-38, XP002150694 WASHINGTON, US  absract nr. B/D-45 -----	1,3,4, 8-15,18, 19, 21-24, 27-32, 35,67, 70-74, 76-78, 81, 83-93, 95,96, 99-102

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 1-64, 67-146 (all in part)

Present claims 1-64 and 67-146 (all in part) relate to an extremely large number of possible compounds for use in a pharmaceutical composition and their use in methods of treatment in vitro or in vivo. Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the compounds claimed for use in a pharmaceutical composition and in the methods of treatment. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of the claims which appear to be supported and disclosed, namely those parts relating to the compounds as specified in the examples 2-9 and 12-14, i.e. *Bacteroides fragilis* capsular polysaccharide A (PS A), *Streptococcus pneumoniae* type 1 capsular polysaccharide (CP) and 'K-D'n peptides.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US 00/08586

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claims 63-102 and 106-146 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.: 1-64, 67-146 (all in part)  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/08586

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
DE 3704389	A	25-08-1988	NONE		
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WO 9607427	A	14-03-1996	US	5679654 A	21-10-1997
			US	5700787 A	23-12-1997
			AU	1321799 A	18-03-1999
			AU	702325 B	18-02-1999
			AU	3543995 A	27-03-1996
			CA	2197563 A	14-03-1996
			EP	0778780 A	18-06-1997
			JP	10507746 T	28-07-1998
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WO 9632119	A	17-10-1996	US	5858964 A	12-01-1999
			AU	706391 B	17-06-1999
			AU	5547996 A	30-10-1996
			CA	2215389 A	17-10-1996
			EP	0871456 A	21-10-1998
			JP	11503735 T	30-03-1999
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